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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,610

04/29/2005

Jean-Pierre Charpier

GLN-059US

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08/23/2007

NEXSEN PRUET, LLC

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COLUMBIA, SC 29202-2426

EXAMINER

KAYES, SEAN PHILLIP

ART UNIT

PAPER NUMBER

2833

MAIL DATE

DELIVERY MODE

08/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/533,610

Applicant(s)

CHARPIER, JEAN-PIERRE

Examiner

Sean Kayes

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 10-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 9 is objected to for being indefinite. Claim 9 requires that the lever makes an angle of about 135 degree, but provides no indication as to what the lever must form the angle in relation to.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Huguenin (CH 322341.)
4. With respect to claim 1 Huguenin discloses an instantaneous mechanism for controlling the date indicator (8 figure 1) of a timepiece movement, characterized in that it comprises:
  - a 24-hour wheel (3 figure 1) driven by the movement at the rate of one revolution per day and pierced with
  - a first cutout (12 figure 1),

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- a date driving wheel (4 and 10 figure 1) mounted to rotate freely on the 24-hour wheel (3 figure 1), coaxial therewith, said wheel having
  - a pin (10 and 11 figure 1) which fits into said cutout and
  - a fixed tooth (4a figure 1) which collaborates with said indicator (8 figure 1) to cause it to move on step by step each day at around midnight, and
  - a spring balance (13 figure 1) in direct contact with the pin (10 and 11 figure 1),
- these components being shaped, sized and arranged in such a way as to perform the following cycle of operations:
- a few hours before midnight, the pin (10 and 11 figure 1) begins to act on the balance (13 figure 1), then in its rest position, thereby arming its spring (15 figure 1), at around midnight, the balance (13 figure 1) escapes from the pin (10 and 11 figure 1) and returns abruptly to its rest position, throwing forward the pin (10 and 11 figure 1) and the driving wheel (4 figure 1) whose tooth (4a figure 1) strikes the date indicator (8 figure 1) to cause it to move on by one step, and a few hours after midnight, the pin (10 and 11 figure 1) is once again caught by the cutout (12 figure 1) in the 24-hour wheel (3 figure 1) and pushed until, a few hours before midnight, it comes back into contact with the balance (13 figure 1.)

5. With respect to claim 2 Huguenin discloses the mechanism as claimed in claim 1, characterized in that the first cutout (12 figure 1) is in the shape of an arc of a circle concentric with the 24-hour wheel (3 figure 1.)

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6. With respect to claim 6 Huguenin discloses the mechanism as claimed in claim 1, characterized in that the angular separation between the pin (10 and 11 figure 1) and the tooth (4a figure 1) of the driving wheel (4 figure 1) is of the order of 45.degree.

7. With respect to claim 7 Huguenin discloses the mechanism as claimed in claim 1, characterized in that the spring balance comprises a lever (13 figure 1) mounted to pivot on an arbor (14 figure 1) and having an elbow (between 13 and 13a figure 1) against the upstream flank (13 figure 1) of which the pin (10 and 11 figure 1) presses and slides in such a way as to cause said lever to pivot and the downstream flank (13a figure 1) of which is used, by contrast, to propel said pin (10 and 11 figure 1) forward.

8. With respect to claim 8 Huguenin discloses the mechanism as claimed in claim 7, characterized in that the lever (13 figure 1) is extended, beyond its arbor (14 figure 1), by a spring (13 figure 1), the end of which rests against a pég (19 figure 1.)

9. With respect to claim 9 Huguenin discloses the mechanism as claimed in claim 7, characterized in that the elbow of the lever (13 figure 1) makes an angle of about 135.degree.

***Allowable Subject Matter***

10. Claims 3-5 and 10-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


11. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose or suggest the claimed “the first cutout is the continuation of a second cutout releasing a spring finger, the first cutout opening onto the end of the spring finger” in combination with the remaining claim elements as set forth in claims 3 and 10.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Paula can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SK  
8/6/2007



Vit Miska  
Primary Examiner